

Home » Money & Legal » Legal Matters » Articles » Family Feuds Over Power of Attorney

Family Feuds Over Power of Attorney

By [Lori Johnston](#)

Text Size: - +

0 Comments Follow This Print Email

Squabbles over assigning Power of Attorney - who can act on your parent's behalf - and the decisions made in that role can impact the family dynamic for years to come.

Even when mom or dad plans ahead and creates the Power of Attorney (POA) legal document before they're impaired by a health condition, there can be ongoing [strife among siblings and family members](#).

Sometimes the decision of who to appoint in the Power of Attorney role, from the parent's standpoint, is cut and dry. Parents will put their faith in the oldest child, or choose one child over another based on who lives closest or whom they trust because of their skills, especially with financial decisions.

Diana Anderson, a certified elder law attorney and partner with Carluccio, Leone, Dimon, Doyle & Sacks in Toms River, N.J., says clients have told her: "I'm choosing that one; the other one can't balance their own checkbook."

In other cases, a parent is suspicious about their child and doesn't trust them 100 percent with their money. Sometimes if the oldest isn't chosen, there's emotional backlash toward parents and siblings because they are insulted by the decision.

Depending on the state, multiple people can be appointed Power of Attorney, but that can result in arguments later, if they cannot agree on a decision. Or if living in a state where there are different types of Power of Attorney, such as for healthcare and financial decisions, the duties can be separated between siblings.

"When it comes to healthcare decision-making, if the child is a nurse or doctor, that child oftentimes is named first because they're more attuned to health care issues. If the child is a financial planner, they may be named first for financial decision making," says Ronald Fatoullah, a certified elder law attorney and founder and managing attorney of Ronald Fatoullah & Associates, which has five offices in New York.

The POA Decision Aftermath

If the appointment of POA is smooth and didn't involve much gnashing of teeth, that doesn't mean bickering won't begin once the person granted POA assumes duties related to parents' financial and medical decisions. Many times, the challenge to the POA happens after the parent passes away, Anderson says.

While the parent is still alive, a sibling may try to trump the person appointed POA by saying their parent was incapacitated when making the decision. When that

- Assisted Living
- Alzheimer's & Memory Care
- Elder Law Attorneys
- Funeral Homes
- Independent Living
- Home Care
- Hospice Care
- Nursing Homes

[See My Results](#)

Caregiver Poll

Please answer 4 quick questions in this poll
Question #1: Should physician-assisted suicide be legal?

- Yes
- No

[Submit](#)

Free POA Form

PowerOfAttorney.RocketLawyer.com
Power of Attorney Form. All States.
Print, Save, Download! 100% Free.



GA Tech PMASE Program

pmase.gatech.edu/SystemsEngMasters
Attend a Free Online Info Session to
Learn More About the Program!



Power Of Attorney Forms

LegalCorner.com/Legal-Forms
Download Free Power Of Attorney
Forms For All States Now.



AdChoices

Ask A Question

Get answers or advice from other

happens, it can result in an expensive [guardianship fight in court](#).

Here are other common situations seen by elder care attorneys:

- Sibling rivalry

Ongoing sibling rivalry can chip away at the "power" that someone granted Power of Attorney holds and cause kids to argue over daily and long-term decisions. When the siblings don't trust the person granted POA, what Anderson often sees happen is constant questioning about decisions. One or multiple siblings may appear to be always on the POA holder's back, challenging each health care and financial decision, she says.

- Unwilling to let go

The POA holder must act in the best interest of the person they are representing, even when it comes to making those tough health decisions. "If he or she doesn't, that individual can be sued," Fatoullah says.

In one case, Anderson says the sibling who was granted Power of Attorney for health care refused to comply with the mother's living will. "Another sibling said, 'Mom said to pull the plug,'" Anderson says. At a bedside hearing, it was determined that the POA appointee was not acting in the mother's interests and the living will request to withdraw life support was fulfilled.

- Financial feuds

Once siblings start to question what is happening to their [inheritance](#), the battle over finances heads to court, and it can happen whether the parent is alive or has died.

In a frequent scenario, the person appointed POA may decide to pay themselves back for the expenses of caring for a parent, such as driving them to doctor's appointments and buying food or medications.

"When one child spends more time taking care of a parent and feels like they should be entitled to more, they can give themselves more," Fatoullah says.

But the other sibling doesn't think it's fair, saying that the POA holder is taking more than their 50-50 share of their inheritance, after their parents' death.

Even if the decision over granting Power of Attorney isn't emotional, things can take a turn among families when the POA starts making decisions. Attorneys say resolving sibling rivalry and creating trust among family members can help avoid family feuds over Power of Attorney and costly court battles.

Next: [Things You Can and Can't Do With POA](#)

Read more about: [power of attorney](#), [siblings](#) and [Power of Attorney](#)

caregivers. Ask your question!

140 characters left

Ask

Recent Caregiver Questions

[Is it illegal to stop administering prescribed non-life saving meds to someone w/dementia? Her body's alive, brain is dead, what's the point?](#)

3 hrs ago | [30 Answers](#)

[Can grantor sign a grantee complete form notarized grantee record after passing of grantor?](#)

11 hrs ago | [4 Answers](#)

Follow AgingCare.com



Sign up for our newsletter

Sign Up

Related Articles

[What is Durable Power of Attorney?](#)

[The Difference Between a POA, Durable POA and Living Will](#)

[3 Must-Have Legal Documents for Elderly Healthcare](#)

[7 Legal Issues That Caregivers Face](#)

Caregivers Asked

[Can family siblings request my moms financial statements on a monthly basis even though I have Power of Attorney?](#)

[Can a Power of Attorney refuse to allow family members to visit their mother who is competent and requesting visits?](#)

Recent Articles

[What it Really Means to 'Just Do Your Best'](#)

[Elders Should Exercise Caution Before Turning to Payday Loans](#)

[Why Am I So Happy Within My Alzheimer's?](#)

[Why Mom Might Be More Likely to Discuss Money Matters than Dad](#)